

**IN THE UNITED STATES BANKRUPTCY COURT  
FOR THE DISTRICT OF DELAWARE**

<b>In re:</b>  <b>W.R. GRACE &amp; CO., <u>et al.</u>,</b>  <div style="text-align: right;"><b>Debtors.</b></div>	) ) ) ) ) ) )	<b>Chapter 11</b> <b>Case No. 01-1139 (JKF)</b> <b>(Jointly Administered)</b>  <b>Objection Deadline: Sept. 7, 2007</b> <b>Hearing Date: Sept. 24, 2007 @ 2:00 pm</b> <b>Wilmington, Delaware</b>
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**AGREED MOTION OF THE FUTURE CLAIMANTS' REPRESENTATIVE, THE  
DEBTORS, THE OFFICIAL COMMITTEES, AND COUNSEL TO THE LIBBY  
CLAIMANTS FOR ENTRY OF CONSENT ORDER CONCERNING  
CONFIDENTIALITY OF DOCUMENTS AND INFORMATION TO BE  
PRODUCED BY EXPERT WITNESS  
FOR FUTURE CLAIMANTS' REPRESENTATIVE**

David T. Austern, the Court-appointed legal representative for future asbestos personal injury claimants (the “FCR”), together with the Debtors,<sup>1</sup> the Official Committee of Equity Security Holders, the Official Committee of Unsecured Creditors, the Official Committee of Asbestos Personal Injury Claimants, the Official Committee of Asbestos Property Damage Claimants, and counsel to the Libby Claimants (collectively with the FCR, the “Parties”), respectfully request that this Court enter the attached Consent Order Concerning Confidentiality of Documents and Information To Be Produced By Expert Witness For Future Claimants’ Representative (the “Consent Order”). A copy of the Consent Order is attached hereto as Exhibit A. The Consent Order protects the use of certain confidential documents and information produced (or to be produced) by the FCR’s estimation expert, Jennifer L. Biggs, in connection with the asbestos person injury estimation.

<sup>1</sup> The “Debtors” refers collectively to W.R. Grace & Co., *et al.*

**Background**

1. On June 18, 2007, pursuant to the case management order governing the asbestos personal injury estimation, the FCR's estimation expert, Jennifer L. Biggs, served the *Expert Estimation Report of Jennifer L. Biggs, FCAS, MAAA: Estimation of Asbestos Personal Injury Liabilities of W.R. Grace as of April 2, 2001*. Certain software constituting or underlying computer models used by the FCR's estimation expert, confidential mathematical formulae, and analytical processes used in such models, were also produced. The FCR's estimation expert contends that these materials constitute or contain trade secrets or other proprietary and/or confidential research and development. Accordingly, each of the Parties agreed to the terms and conditions of the Consent Order with respect to the distribution and use of such materials.

**Basis for Relief**

2. Federal Rule of Civil Procedure 26(c), made applicable herein by Rules 7026 and 9014 of the Federal Rules of Bankruptcy Procedure, authorizes a court to enter an appropriate protective order governing the production of documents constituting a trade secret or other confidential research, development, or commercial information.

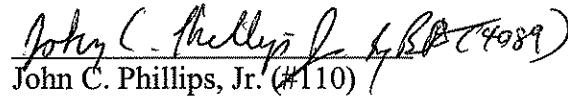
3. Accordingly, the Parties agree that the Consent Order in the form attached hereto is appropriate and that this Consent Order will sufficiently protect the confidential information contained in the materials produced (or to be produced) by the FCR's estimation expert. The Consent Order will bind all Parties to the asbestos personal injury estimation, including, among others, their counsel, consultants, and experts.

**Conclusion**

For the reasons addressed above, the FCR respectfully requests that the Court entered the Consent Order attached hereto as Exhibit A.

Dated: August 20, 2007

Respectfully submitted,  
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